HIGH COURT OF UTTRANCHAL AT NAINITAL

Writ Petition No. 769 of 2004

Tirath Ram ..... Appellant

Versus

Civil Judge (S.D.) Dehradun & others ..... Defendants

Dated: 18.8.2004

Hon. Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 23.7.2004 and for a mandamus directing the respondent no.1 to decide the injunction application and amendment application at the earliest.

Briefly stated the petitioner has filed a suit No. 349 of 2002 against the defendants for perpetual injunction along with application for interim injunction.

The counsel for the petitioner has submitted that the application for interim injunction came up for hearing on 23.7.2004 but on that date ex parte injunction was not granted. The counsel has submitted that the amendment and injunction application is pending fixing 30.8.2004 for disposal.

The impugned order passed by the Civil Judge (SD), Dehradun is interlocutory in nature against which a writ petition under Article 226/227 of the Constitution of India is not maintainable.

However, in the interest of justice the Civil Judge (S.D) Dehradun is directed to decide the application for interim injunction and for amendment within a month after the receipt of the certified copy of this order.

Subject to the aforesaid observation, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon J.)

18.8.2004
*Dhyani